

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

|                                 |          |
|---------------------------------|----------|
| APPLIED UNDERWRITERS, INC., a ) |          |
| Nebraska corporation, and )     |          |
| APPLIED UNDERWRITERS CAPTIVE )  |          |
| RISK ASSURANCE COMPANY, INC., ) |          |
| )                               |          |
| Plaintiffs, )                   | 8:13CV25 |
| )                               |          |
| v. )                            |          |
| )                               |          |
| A&I STEEL FABRICATORS, INC., )  | ORDER    |
| a California corporation, and ) |          |
| ABLE IRON WORKS, INC., )        |          |
| )                               |          |
| Defendants. )                   |          |
| _____ )                         |          |

This matter is before the Court on the defendants' motion (Filing No. [76](#)) to exclude the expert testimony of Bernd G. Heinze, Esquire, at bench trial. The defendants have filed a brief (Filing No. [77](#)) and index of evidence (Filing No. [78](#)) to support their motion. In opposition, the plaintiffs have filed a brief (Filing No. [82](#)). Upon review of federal law, the briefs, and indices of evidence, the Court finds that Mr. Heinze's testimony will aid the Court in determining this case at trial. Accordingly,

IT IS ORDERED that defendants' motion is denied.

DATED this 1st day of May, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court